

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07cv11**

**ELENA M. DAVID; ARLEEN J. STACH; and
VICTOR M. HERNANDEZ,**

Plaintiffs

Vs.

ORDER

**J. STEELE ALPHIN; AMY WOODS
BRINKLEY; EDWARD J. BROWN, III;
CHARLES J. COOLEY; RICHARD M.
DeMARTINI; BARBARA J. DESOER;
JAMES H. HANCE; LIAM E. McGEE;
EUGENE M. McQUADE; ALVARO G.
de MOLINA; MICHAEL E. O'NEILL;
OWEN G. SHELL, JR.; R. EUGENE
TAYLOR; F. WILLIAM VANDIVER, JR.;
BRADFORD H. WARNER; CHARLES W.
COKER; STEVEN JONES; KENNETH D.
LEWIS; BANK OF AMERICA
CORPORATION; BANK OF AMERICA
CORPORATION CORPORATE
BENEFITS COMMITTEE,**

Defendants.

THIS MATTER is before the court on defendants' Motion to Continue Stay of Discovery as to Issues of Market Timing. It appears that at least one settlement of such issues of market timing has been reached in the on-going MDL action, but that

a hearing on such agreement has been delayed inasmuch as the judicial panel desires to have all sub-tracks of cases resolved prior to such hearing. In moving for such further relief, defendants note that they have consulted with defendants, who continue to oppose the relief based on the reasons stated in their prior submission. The court notes those objections and will allow a 60 day extension of the stay based on the reasons previously discussed. Having considered defendants' motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendants' Motion to Continue Stay of Discovery as to Issues of Market Timing (#141) is **GRANTED**, and the **STAY** of discovery on issues of market timing is **EXTENDED** up to and inclusive of December 21, 2009.

Signed: October 19, 2009

_____

Dennis L. Howell
United States Magistrate Judge

